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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

Y0R92D000559US1

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Signature _____

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Application Number

09/752,090

Filed

12/29/2000

First Named Inventor

John S. Maresca, et al.

Art Unit

2122

Examiner

Wei Y. Zhen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

 applicant/inventor. assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96) attorney or agent of record. 46,673

Registration number _____

Marisa J. Dubuc

Signature

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Typed or printed name

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 attorney or agent acting under 37 CFR 1.34.

August 16, 2005

Registration number if acting under 37 CFR 1.34 _____

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AUG 16 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	JOHN S. MARESCA ET AL.)
) Group Art Unit:
) 2122
SERIAL NUMBER:	09/752,090)
FILED:	December 29, 2000) Before the Examiner:
) Zhen, Wei Y.
FOR:	METHOD AND SYSTEM FOR)
	PROVIDING AN END-TO-END) Confirmation No.
	BUSINESS PROCESS FOR ELECTRONIC)	4024
	SUPPLIER QUALIFICATION AND)
	QUALITY MANAGEMENT)

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Alexandria, VA 22313-1450

Pre-Appeal Brief Request for Review

In response to the Final Office Action dated July 21, 2005, and in conjunction with the concurrently filed Notice of Appeal, the Applicants submit the following for entry in the above-identified application.

YOK920000559US1/127-0004

REMARKS

Claims 44-79 are pending in the instant application. The Examiner has rejected claims 44-79 as being allegedly unpatentable over Aycock et al., U.S. Patent No. 5,765,138 (hereinafter "Aycock") in view of Gervais et al., U.S. Patent No. 6,381,579 (hereinafter "Gervais").

The Applicants submit that the rejections of claims 44-79 are in error because the Examiner has not met the burden of establishing a *prima facie* case of obviousness in contravention of the provisions of 35 USC 103.

The Examiner states that with respect to claims 44 and 66, that Aycock teaches all of the limitations of claims 44 and 66 except for the recitation of a web-based user interface and shared data repository. The Examiner introduces Gervais as teaching these missing elements.

The Applicants submit that the rejections of claims 44 and 66 by the Examiner are in error because the limitation "qualifying suppliers, parts, and technologies including: acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source" is not met by the cited art reference, namely Aycock. The Examiner cites column 3, lines 45-52, and column 7, lines 1-16 in support of the rejections. In fact, the portions of Aycock relied upon by the Examiner disclose "a database storing a plurality of existing standards for use in formulating a set of requirements for a project, a vendor database storing existing vendor performance reports, historical vendor performance reports, and prior on-site audit reports, a product database identifying product performance and reliability for existing products supplied by existing and prior vendors..." While Aycock may teach some aspect of qualifying suppliers, it does not teach or suggest qualifying parts and technologies. The mere existence of database that stores past and present audit and performance data does not necessarily result in a capability to perform qualification of supplier parts and technologies. Thus, Aycock does not teach qualifying suppliers, parts, and technologies including acquiring supplier capability data, part data, and supplier technology data. Because Aycock does not teach each of the elements of claims 44 and 66, the introduction of Gervais as allegedly teaching a web-based user interface and shared repository would not cure the deficiencies of

Aycock. Accordingly, the Applicants submit that there exists clear error in the outstanding rejections of claims 44 and 66. Claim 55 recites a limitation substantially similar to that above with respect to claims 44 and 66 and for at least this reason, it is believed that clear error exists in the outstanding rejection of claim 55.

The Applicants submit that the rejections of claims 77 and 79 by the Examiner are in error because the limitation "qualifying suppliers, parts, and technologies including: acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source" is not met by the cited art reference, namely Aycock, as described above with respect to claims 44 and 66.

Moreover, with respect to claims 77 and 79, Aycock does not disclose the limitation "placing a technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed." There is simply no teaching in Aycock of a technology survey. Nor is there any teaching that the technology survey is associated with an engineering organization related to the technology being surveyed. Rather, Aycock teaches an entity generating an "RFP/RFQ" "using interactive software enabling access to a database storing a plurality of supplier quality process maturity requirements" (column 9, lines 5-9) and provides limited access to databases to obtain information relating the RFP/RFQ itself or standards references in the RFP/RFQ (col. 9, lines 14-17). It is further submitted that Aycock does not teach the limitation "analyzing said completed technology survey and qualifying said at least one supplier based on results of said analyzing." As explicitly disclosed in Aycock, supplier qualification occurs not based upon the results of analyzing a completed survey, but rather upon "validation of the supplier responses" to an on-site evaluation at the supplier site (column 3, lines 35-39).

In addition, with respect to claims 77 and 79, Aycock does not disclose the limitations "wherein said qualifying parts includes: accessing part qualification data via said web-based user interface; analyzing said part qualification data; and qualifying said parts based upon

results of said analyzing." As indicated above with respect to claims 44 and 66, Aycock is devoid of teaching qualifying parts. Aycock is further devoid of teaching accessing part qualification data and analyzing and qualifying the part qualification data. Because Aycock does not teach each of the elements of claims 77 and 79, the introduction of Gervais as allegedly teaching a web-based user interface and shared repository would not cure the deficiencies of Aycock. Accordingly, the Applicants submit that there exists clear error in the outstanding rejections of claims 77 and 79. Claim 78 recites a limitation substantially similar to that above with respect to claims 77 and 79 and for at least this reason, it is believed that clear error exists in the outstanding rejection of claim 78.

In view of the foregoing, it is urged that the final rejection of claims 44-79 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(1) is enclosed herewith. If there are any additional charges with respect to this Request, or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully submitted,

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